

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION**

CHRISTINE CRAMER,

Plaintiff,

v.

Case No. 8:22-cv-00653-WFJ-AAS

SEPHORA USA, INC., et al.,

Defendant.

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ORDER

Defendant, Sephora USA, Inc. (Sephora) moves to compel a Rule 35 physical examination of Plaintiff Christine Cramer. (Doc. 66). This request is unopposed. (*Id.* at p. 8).

Rule 35(a) requires a party to file a motion demonstrating good cause and allows the court to enter an order for a physical or mental examination when a party's mental or physical condition "is in controversy." Fed. R. Civ. P. 35(a)(1). Ms. Cramer sues Sephora for injuries obtained from a slip and fall that occurred in a J.C. Penney store in Pinellas County, Florida. (Doc. 57, ¶¶ 5, 13). Ms. Cramer alleges bodily injury resulting in pain and suffering, impairment, disability, disfigurement, mental anguish, diminished earning capacity, loss of capacity for the enjoyment of life, medical care, and treatment,

and medical expenses. (*Id.*, ¶ 18). Ms. Cramer’s physical condition in controversy and good cause exists for a physical examination.

Federal Rule of Civil Procedure 35(a) requires a party requesting to compel such an examination to specifying “the time, place, manner, conditions, and scope of the examination, as well as the person or persons who will perform it.” Fed. R. Civ. P. 35(a)(2). Sephora’s motion contains the requisite criteria.

Accordingly, Sephora’s motion for Rule 35 physical examination of Mr. Cramer (Doc. 66) is **GRANTED**. Ms. Cramer must appear at 2020 N Rocky Point Drive West, Suite 150, Tampa, FL 33607, on July 25, 2023, at 12:00 p.m., for an examination by neurosurgeon, Larry Fishman, M.D.

ORDERED in Tampa, Florida on May 18, 2023.

A handwritten signature in black ink that reads "Amanda Arnold Sansone". The signature is written in a cursive, flowing style.

AMANDA ARNOLD SANSONE
United States Magistrate Judge